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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,445	09/30/2003	Tomoyuki Mishima	109222.01	2615
25944	7590	04/07/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			VORTMAN, ANATOLY	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

11A

Office Action Summary	Application No. 10/673,445	Applicant(s) MISHIMA ET AL.	
	Examiner Anatoly Vortman	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/5/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The submission of the Amendment under 37 C.F.R. 1.111 filed on 02/25/05 is acknowledged. Claims 1 and 2 have been amended. Claims 1-3 are pending in the instant application

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, are rejected under 35 U.S.C. 103(a) as being unpatentable over IDS reference US/5,619,036 to Salvio et al., (Salvio) taken with IDS reference EP/0751041 to Furuta et al., (Furuta) and with US/3,784,970 to Simpkin.

Regarding claims 1 and 2, Salvio disclosed (Fig. 1, 2) an apparatus for watching around a vehicle, the apparatus mounted thereon, the apparatus comprising: an image pick-up unit (10) for picking up an image on the front end portion of the vehicle, the image pick-up unit (10) fitted to an opening of a grille (12) formed outside a vehicular radiator and a fan (the radiator and the fan are not shown, but inherently present); a display unit (587, 1030) for displaying the image, the display unit provided in the vehicle; and a control unit (see Fig. 2B of US/5,763,882, which is based on application 08/232,893, which is incorporated by reference into disclosure of Salvio

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(column 2, lines 45-50) and thus, is part of the disclosure of Salvio patent (see MPEP 2163.07 (b)) for processing the image, but did not disclose that said a portion of the image pick-up unit extending beyond the grille so as to pick-up images from the left and right sides of the vehicle, and a warning unit coupled to the control unit and transmitting a warning signal to a user of another vehicle.

Furuta disclosed (Fig. 1, 7) a vehicular image pick-up system comprising: the image pick-up unit (30) extending beyond the grille so as to pick-up the image from the left (C) and right (B) sides of a vehicle.

Since inventions of Salvio and of Furuta are from the same field of endeavor (vehicular safety systems), the purpose of the image pick-up unit extending beyond the grille so as to pick-up images from the lateral sides of the vehicle, as taught by Furuta, would be recognized in the invention of Salvio.

It would have been obvious to a person of ordinary skill in the relevant art at the time the invention was made to position the image pick-up unit of Salvio at least partially beyond the grille, as taught by Furuta, in order to enable said image pick-up unit to capture images from the lateral sides of the vehicle, in order to provide better information to the driver about traffic patterns around the vehicle and to augment general safety level provided by the system.

Simpkin disclosed a vehicular warning system (see Fig.) comprising: a warning unit (10) transmitting a warning signal to a user of another vehicle (via receiver (12)).

Since inventions of Salvio and of Simpkin are from the same field of endeavor (vehicular safety systems), the purpose of the warning unit, which transmits warning signal disclosed by Simpkin, would be recognized in the invention of Salvio.

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It would have been obvious to a person of ordinary skill in the relevant art at the time the invention was made to supplement the apparatus of Salvio with the transmitting warning system of Simpkin in order to provide notification to the user of another vehicle about approaching vehicle.

Regarding claim 3, Simpkin disclosed a voice generating unit (52).

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AV



Anatoly Vortman
Primary Examiner
Art Unit 2835